

United States District Court District of Massachusetts

UNITED STATES OF AMERICA,

v.

CRIMINAL NO. 2003-10370-DPW-01

DOUGLAS K. BANNERMAN
Defendant.

PROCEDURAL ORDER ON MOTION FOR APPOINTMENT OF COUNSEL (#178)

COLLINGS, U.S.M.J.

The defendant has filed a Motion for Appointment of Counsel (#178) which requests that his retained counsel, James Michael Merberg, Esquire, be appointed as CJA counsel *nunc pro tunc* to December 9, 2003.

I find that the defendant is financially unable to afford his own attorney. However, since Attorney Merberg is not now nor ever has been on the CJA list, I am unable to appoint him.

Accordingly, the Motion for Appointment of Counsel (#178) is forwarded

to Judge Woodlock for decision.

/s/ Robert B. Collings

ROBERT B. COLLINGS

United States Magistrate Judge

December 6, 2004.